**LAW OFFICES** 

## **DUVAL, FUNDERBURK, SUNDBERY, LOVELL & WATKINS**

(A Professional Law Corporation)
101 WILSON AVENUE RECEIVED P.O. BOX 3017

HOUMA, LOUISIANA 7036 15 JUL 24 PH 2: 43

SUPERFUND DIV. REMEDIAL BRANCH (6SF-R)

July 21, 2015

CLAUDE B. DUVAL (1914-1986)

AREA CODE 985 **TELEPHONE 876-6410** FAX 851-1490 WWW DUVALLAWFIRM COM (SEE WEBSITE FOR E-MAIL ADDRESSES)

> OF COUNSEL **CLAYTON E. LOVELL** WILLIAM S. WATKINS

Mr. Kenneth Talton, Enforcement Officer Superfund Enforcement Assessment Section (6SF-TE) U.S. EPA, Region 6 1445 Ross Avenue Dallas, TX 75202-2733

Re:

JAMES M. FUNDERBURK

SIDNEY C. SUNDBERY

C. BERWICK DUVAL. II STANWOOD R. DUVAL

KATHRYN W. RICHARD

SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana

CERCLIS #: LAD008434185

Dear Mr. Talton:

This firm represents Cenac Towing Co., L.L.C., the surviving entity of the Cenac Towing Co., Inc. and Cenac Towing Co., L.L.C. merger. The following is Cenac Towing Co., LLC's response to the May 15, 2015 letter sent to it from Ben Banipal, P.E. referencing the above matter.

## **GENERAL INFORMATION CONCERNING RESPONDENT**

1. Provide the full legal name and mailing address of the Respondent.

Cenac Towing Co., LLC (through merger with Cenac Towing Co., Inc.) c/o Arlen B. Cenac, Jr. P. O. Box 2617 Houma, La. 70361

2. Identify and provide the full name, title, business address, and business telephone number for each person answering these questions on behalf of the Respondent, and each person(s) that was relied on or consulted with in the preparation of the answer.

Andre C. Broussard, Jr. P.O Box 2617 Houma, La. 70361 (985) 872-2413 Current in-house counsel

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3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, and telephone number.

Andre C. Broussard, Jr. P.O Box 2617 Houma, La. 70361 (985)872-2413 Current in-house counsel

4. If Respondent is a business, please give a brief description of the nature of the business.

Cenac Towing Co., Inc. was a marine towing company. It is no longer in business. On July 3, 2008, Cenac Towing Co., Inc. merged with Cenac Towing Co., L.L.C. and the L.L.C. was the surviving entity.

## **REQUESTS FOR DOCUMENTS**

- 1. Please identify any dealings or transactions you have or had with SBA Shipyards, Inc., Louis Smailhall, Suzanne Smailhall, LEEVAC Shipyards, Inc., n/k/a/ Bunge Street Properties, LLC, and LEEVAC Industries, LLC n/k/a LEEVAC Shipyards Jennings, LLC. Please provide a brief description of the nature of those dealing or transactions and the timeframes during which those dealings and transactions occurred.
  - a. Specifically, provide dates of when you sent or moved something to the Site and the name and contact information of the person who made such arrangements.

A search of Cenac Towing Co., Inc.'s old and surviving records was conducted to determine what, if any, dealings or transactions it may have had with SBA Shipyards, Inc., Louis Smailhall, Suzanne Smailhall, LEEVAC Shipyards, Inc., n/k/a/ Bunge Street Properties, LLC, and LEEVAC Industries, LLC n/k/a LEEVAC Shipyards Jennings, LLC. Since the merger of Cenac Towing Co., Inc. with Cenac Towing Co., LLC, the office location has changed several times and limited if any records were able to be located. The records that were able to be located allegedly indicate that barges were sent by Cenac Towing Co., Inc. to be cleaned at SBA Shipyards, Inc.

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during the time period of 11/14/1988 through 2/3/1996. Upon information and belief, all of the records pertaining to the SBA Superfund Site were provided to the EPA in or about 2002 in connection with RCRA Interim Measures/Removal Action of Hazardous/Principal Threat Wastes at SBA Shipyards, Inc., Jennings, LA, EPA ID No. LAD008434185, Docket No. RCRA-6-2002-0908.

Cenac Towing Co., Inc. was a member of SSIC Remediation, LLC which entered into a voluntary agreement with the EPA to clean up the site. The EPA deemed the remediation successfully completed in or about 2005. At that time, EPA attorney Scott McDonald confirmed via emails that "SSIC member companies will not be called upon or required to make further contributions towards the clean-up." The emails have been attached as part of Exhibit A.

Attached hereto as Exhibit A are the old documents of Cenac Towing Co., Inc. that were able to be located.

2. Please provide any and all documents in your possession that are related to the dealings and transactions detailed in Question 1 above.

Please see documents attached as Exhibit A.

3. If any of the dealings or transactions described involve hazardous materials, please include a detailed listing of such materials, the materials data safety sheet, dates of transaction, and any quantity associated with those materials.

Please see documents attached as Exhibit A.

4. Please describe in detail any involvement you had with the 2002 RCRA Interim Measures/Removal Action (IM/RA) at the Site. Please provide any and all documents in your possession related to the IM/RA, including, but not limited to, a listing of the parties involved in the IM/RA.

Cenac Towing Co., Inc. was a member of SSIC Remediation, LLC which entered into a voluntary agreement with the EPA to clean up the site. The EPA deemed the remediation successfully completed in or about 2005. At that time, EPA attorney Scott McDonald confirmed via emails that "SSIC member companies will not be called upon or required to make further contributions towards the clean-up." The emails have been attached as part of Exhibit A.

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5. Please provide the names, title, and contact information of anyone, including, but not limited to, employees, who may possess knowledge and information regarding this Site and/or your own business operations.

Andre C. Broussard, Jr. P.O. Box 2617 Houma, Louisiana 70361 (985) 872-2413 Current in-house counsel

Arlen B. Cenac, Jr. P.O. Box 2617 Houma, Louisiana 70361 (985) 872-2413

Keith Besson P.O. Box 2617 Houma, Louisiana 70361 (985) 872-2413

- 6. Identify all of the individuals who currently have and those who have had responsibility for the Respondent's environmental matters (e.g., responsibility for the disposal, treatment, storage, recycling, or sale of the Respondent's wastes). This information shall include, but not be limited to, the following:
  - a. Each individual's job title and duties (including the dates performing those duties),
  - b. The supervisors for such duties,
  - c. The current position or the date of the individual's resignation, and
  - d. The nature of the information possessed by such individuals concerning the Respondent's waste management.
  - e. The contact information of the individual.

Upon information and belief, the individuals previously having responsibility for Cenac Towing Co., Inc.'s environmental matters during the time period in question are now deceased.

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7. Does the Respondent's company or business have a permit(s) issued under RCRA? If so, provide a copy(ies) of the permit(s).

No. Cenac Towing Co., Inc. is no longer in business.

8. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by RPA or a state for Respondent's operations.

No responsive records of Cenac Towing Co., Inc. have been located, except for documents referring to Docket No. RCRA-6-2002-0908.

9. Does the Respondent's company or business have, or has it ever had, a permit(s) under the hazardous waste laws of the State? If so, provide a copy(ies) of the permit(s).

Cenac Towing Co., Inc. does not have a permit as it is no longer in business. No responsive records of Cenac Towing Co., Inc. have been located to indicate past permits.

10. Does the Respondent's company or business have an EPA Identification Number, or an identification number supplied by the State? If so, supply any such identification number(s).

No. Cenac Towing Co., Inc. is no longer in business.

11. Identify all federal, state, and local offices and agencies to which the Respondent has sent or filed hazardous substance or hazardous waste information and state the years during which such information was sent or filed.

Cenac Towing Co., Inc. sent information to the EPA in or about 2002 in connection with RCRA Interim Measures/Removal Action of Hazardous/Principal Threat Wastes at SBA Shipyards, Inc., Jennings, LA, EPA ID No. LAD008434185, Docket No. RCRA-6-2002-0908. No other responsive documents have been located.

12. Provide copies of all documents created or kept by the Respondent related to the nature, quantity, or source of the materials taken to the Site.

The only records that could be located are attached as Exhibit A.

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- 13. If barges were placed or disposed at the Site, provide the following information:
  - a. Where they were placed or disposed, and
  - b. Their condition when placed or disposed.

Upon information and belief, Cenac Towing Co., Inc. did not permanently place or dispose of any barges at the site.

14. Identify other individuals and entities that the Respondent has reason to believe may have taken or sent materials to the Site. Of these individuals and entities, specify which were observed by the Respondent at the Site and indicate when those observations were made. Provide all of the information known by the Respondent regarding the customers of these entities or individuals.

Please see documents attached as Exhibit A.

Should you require further information, please do not hesitate to contact me.

Sincerely yours,

KATHRYN W. RICHARD

KWR/lmd Enclosures

CERTIFIED MAIL # 7011 2000 0001 2842 6750 RETURN RECEIPT REQUESTED

Cenac Towing Co., Inc.'s EPA Response Letter - EXHIBIT A

CENAC TOWING COMPANY SBA Shipyards

95-0082

SBA SHIPYARDS, INC. PROBABLE SOURCES OF CONTAMINANTS CURRENTLY PRESENT IN TANKS AND PITS				
COMPANY	DATE(S)*	VESSEL NUMBER	PREVIOUS 3 CARGOES	
Cenac Towing Company	11/14/88	CTCO 181	#6 Oil, Crude, Condensate	
	9/11/90	CTCO 153	Crude Oil	
	10/18/91	CTCO 3022	Crude Oil (3x)	
	12/19/91	Coastal 29 (Ex Lou III)	No. 6 Oil	
	12/31/91	CTCO 154	Slop Oil	
•	2/7/92	CTCO 2312	Crude Oil (3x)	
	2/20/92	HBL 3006	Asphalt (3x)	
	4/13/92	CTCO 2303	Crude Oil (3x)	
	6/22/92	CTCO 2311	Crude Oil	
	8/17/92	HBL 3005	Asphalt #6	
	9/4/92	CTCO 1183 ·	Lube Oil	
	11/6/92	CTCO 3003	No. 6 Oil	
	1/5/93	CTCO 186-20	Crude Oil	
	4/5/93	HBL 3007	Heavy Slop Oil	
	6/11/93	CTCO 181	Waste Water, Drill Water	
	7/15/93	CT 196-20	Crude Distillate	
	7/28/93	CT Co. 191-26	Waste Water	
•	10/15/93	CTCO 3025	Carbon Oil	
	10/27/93	CTCO 179	Crude Oil	
	3/7/94	CTCO 2003	Condensate, Crude Oil, No. Oil	
	5/17/94	CTCO 3025	Carbon Oil, Crude Oil	
	8/9/94	CTCO 3022	Crude Oil	
	8/16/94	CTCO 1524B	Crude Oil	
	8/24/94	CTCO 1526B	Crude Oil 3x	
	5/1/95	CTCO 230	Crude Oil (3x)	

<sup>\* -</sup> Based on date from Marine Chemist's Gas Free Certificate

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or where external hot work is to be performed; and [c] the residues are not capable of producing a highe directed on the Marine Chemist's Certificate; and i	i that, (b) the concentration or concentration then per further, that, (d) all adjac	on of flammable ma milied by (b) above ( scent spaces contain	terials in the atmosphere under existing atmospher ning or having container	s is below 10 percent of the ric conditions in the presenc d flammable or combustibl	lower flammable limit, and the e of fire, and while maintained to e materials have been cleans
sufficiently to prevent the spread of fire, or are satisfar the Marine Chemist's requirements.	ctorily inerted, or, in the c	esé offuel tanks or l	ibe oli tanks, or engine ro	om or fire room bilges, have	been treated in accordance wi
NOT SAFE FOR HOT WORK: Means that in the co	ompariment so designate	ed, the requirement	s of Sale for Hot Work h	ive not been met.	
SAFE FOR REPAIR YARD ENTRY: Means that the sampling stations, and results indicate the almosph	compartments and space	ces of the flammable	e cryogenic fiquid carrier	so designated: (a) have be	an lested by sampling at remo
			N WHE TOOK UNDIT TO DETCY		mit or ibl are inerted.
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CHEMIST'S ENDORSEMENT. This is to certify that Vessels and have found the condition of each to be refersioned acknowledges receipt of this Conflicts studen	o in accordance with its a	assigned designatio	es in the foregoing list ar in.	e in accordance with WFPA	306 Control of Gas Hazards of
CHEMIST'S ENDORSEMENT. This is to certify that Vessels and have found the condition of each to be ndersigned acknowledges receipt of this Certificate under ands conditions and limitations and applicable it was leaved."	o in accordance with its a r Section 2-6 of NFPA 306	assigned designation this C	es in the foregoing list ar m. ertificate is based on conditi	e in accordance with WFPA	306 Control of Gas Hazards of

(409) 832-6409, 866-482	0 000 4000	INE CHEMIST CERTIFICATE
W.B. Hataway 537 K.L. M	ercer 577 Wio.# 1234	SERIAL NO. E09269
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Survey Requested by /  14/31 3006	Vessel Owner or Agent	
Vessel	Type of Vessel	
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ાં ભાગાય aubject to gas accumulation, unles	s specifically approved in this Certificate, requires	ig to alter conditions in pipe lines, tanks or compart- inspection and endorsement or relissue of Certificate opurtenances shall be considered "not safe" unless
SAFE FOR WORKERS: Means that in the compartm in the atmosphere are within permissible concentrate.	, paraphrased from NFPA 306 Subsections 2-3.1 through 2-3.5 ent or apace so designated; (a) the oxygen content of the atmosp ions; and that, (c) the residues are not capable of producing toxic	5, and Subsection 8-3.2) there is at least 19.5 percent by volume; and that, (b) toxic materials materials under existing atmospheric conditions while maintained
as directed on the Marine Chemist's Certificate.  "NOT SAFE FOR WORKERS: Means that in the co	mpartment or space so designated, the requirements of Safe for	or Workers have not been met.
time are as specified.		de only if conditions of proper protective equipment, clothing, and least 19.5 percent by volume, with the exception of inerted apaces
<ul> <li>or where external hot work is to be performed; and (c) the esidues are not capable of producing a highe directed on the Marine Chemist's Certificate; and sufficiently to prevent the spread of fire, or are satisfia</li> </ul>	I that, (b) the concentration of flammable materials in the almos or concentration than permitted by (b) above under existing atmo further, that, (d) all adjacent spaces containing or having com	phere is below 10 percent of the lower flammable limit; and that, spheric conditions in the presence of fire, and while maintained as tained flammable or combustible materials have been cleaned interiorm or fire room biggs, have been treated in accordance with
-	empartment so designated, the requirements of Sale for Hot W	and the second s
sampling stations, and results indicate the atmosph	tere tested to be above 19.5 percent oxygen, and less than 10 It I have personally determined that all spaces in the foregoing	arrier so designated: (a) have been tested by sampling at remote percent of the lower flammable limit, or (b) are inerted.  Itst are in accordance with NFPA 306 Control of Gas Hazards on
The undersigned acknowledges receipt of this Certificate under noerstands conditions and limitations under which it was issued.	1 Section 2-6 of NFPA 306 and This Certificate is based on	conditions existing at the time the inspection herein set both was comploted an e with all quiliferations and instructions.
	8 ml 580 2-20-02	Jan ( 377
igned Number Company	STATE CERTIFICATE IS VALUE ON YOU MA	Unite Chemat Corticate No.

P.O. BOX 3602 BEA (409) 832-6409, 8 W.B. Hataway 537	UMONT, TEXAS 77704 66-4822, 866-4223 K.L. Mercer 577	MARIN 1246	VE CHEMIST CI SERIAL N	ERTIFICATE 10. E09278
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In the event of any physica	y ogatimospheric changes adversely.	állecting the STANDARD S	AFETY DESIGNATIONS assign	ed to any
of the above spaces or if it	n arty doubt immediately stop all wo	k and contact the lindersit	ined.[គ្រប់ine Chemist ាក្រ	
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otherwise specifically designs	ited. 13 (partial list, perephresed from NFPA 306 Su	er in the state of the state of		, , , , , , , , ,
SAFE FOR WORKERS Means that in !	the compartment or space so designated: (a) the	oxygen content of the almosphere	is at least 19.5 percent by volume; an	that (b) toxic materials
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	is that in any compartment or space so designate			quipment, cfothing, and
SAFE FOR HOT WORK: Means that in	n the compartment so designated: (a) oxygen co prormed; and that, (b) the concentration of flam	ontent of the atmosphere is at least	19.5 percent by volume, with the exce	eption of inerted spaces
<ul> <li>(c) the residues are not capáble of prod</li> </ul>	fucing a higher concentration than permitted by intificate; and further, that, (d) all adjacent spa	(b) above under existing atmosph	eric conditions in the presence of fire, a	and white maintained as
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sampling stations, and results indicate	the almosphere tested to be above 19.5 percent to certify that I have personally determined the	ent oxygen, and less than 10 per	ent of the lower flammable limit, or (t	o) are inerted.
Vessels and have found the condition The undersigned acknowledges receipt of the C	of each to be in accordance with its assigned	designation.	stops existing at the time the Inspection her	
understands conditions and limitations under which	Torse assured."	Issued subject to compliance with	all qualifications and instructions.	
Signed State Suns	X-S1711	4/13/92 Signessed	Come li Blen	el 577
Hans	NOTE: THIS CERTIFICATE IS	VALOUS SILV COLORNION	Marine Chemist  Response I	etter - FXHIBIT A

.B. Hataway 537 K.L. Merce	366-4223	CHEMIST CERTIFI SERIAL NO. <b>E</b> 09
	W. U. 1240	
SBA S/y Invery Requested by	Vessel Owner or Agent	<u> </u>
CTC0, 2304	TANK BARGE	SRA Specific Lode
888	Pype of Vessel  Out (Ec/ VISAN / BEN Teles Performed	Specific Loss
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OALIFICATIONS: Transfer of ballast or mainly     Monte subject to gas accumulation, unless appropriate to the control of	imedialely stop ellework and contact the undersigned pulation of valves or closure equipment tending to alte politically approved in this Certificate, requires inspecti	Marino Gliemis III er conditions in pipe lines, tanks or co on and endorsement or releaus of Cert
QUALIFICATIONS: Transfer of ballest or mainly ments subject to gas accumulation, unless op for the spaces so affected. All lines, vents) in otherwise specifically designated.	medicitystop allowed and confide the undersigned pulation of valves or closure equipment lending to alte polifically approved in this Certificate, requires inspect eating coils, valves, and aimiliarly enclosed appurtens	permodeticms in pipe lines, tanks or or or on and endorsement arrelesus of Cerinces shall be considered "not safe."
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LO. BUL JOUL BEAUMORI, LEXA		ine Chemisi Cektificate
(409) 832-6409,898-4822, 860 W.B. HATAWAY 537 K.L. MERCE		SERIAL NO. F`50821
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In the event of any physical or atmosphericish	anges adversely affecting the STANDAR(	O SAFETY DESIGNATIONS assigned to any
	fately stop all work and contact the unde	rsigned Manne Chemis) g to citer conditions in pipe lines, tenks or compart-
ments subject to gas accumulation, unless specific	cally approved in this Certificate, requires	Inspection and endorsement or relasue of Certificate
ornerwise specifically designated:		spurtenances shall be considered "not safe" unless
<ul> <li>STANDARD SAFETY DESIGNATIONS (partial list, paraphrase</li> <li>SAFE FORWORKERS: Means that in the compartment or space</li> </ul>		, and Subsection 6-3.2) here is at least 19.5 percent by volume; and that, (b) toxic materials materials under existing atmospheric conditions while maintained
in the atmosphere are within permissible concentrations; and the as directed on the Marine Chemist's Certificate.	A((c) this residues are not capable of producing toxic	materials under existing atmospheric conditions while maintained
NOT SAFE FOR WORKERS: Means that in the compariment	- <del>-</del> • <del>-</del>	or Workers have not been met. de only if conditions of proper protective equipment, clothing, and
time are as specified.	N.	y. v
or where external hot work is to be performed; and that, (b) the	e concentration of flammable materials in the atmos	east 19.5 percent by volume, with the exception of inerted spaces phere is below 10 percent of the lower flammable limit, and that,
<ul> <li>directed on the Marine Chemist's Certificate; and further, the</li> </ul>	t, (d) all adjacent spaces containing or having con	spheric conditions in the presence of fire, and while maintained as tained filammable or combustible malerials have been cleaned
the Marine Chemist's requirements.		ine room or lire room bilges, have been treated in accordance with
NOT SAFE FOR HOT WORK: Means that in the compartment SAFE FOR REPAIR YARD ENTRY: Means that the compartment		ork have not been met. arrier so designated: (a) have been tested by sampling at remote
sampling stations, and results indicate the atmosphere tested	to be above 19.5 percent oxygen, and less than 10	percent of the lower flammable limit, or (b) are inerted. list are in accordance with NFPA 306 Control of Gas Hazards on
Vessels and have found the condition of each to be in accorda	ance with its assigned designation.	
"The undersigned acknowledges secept of this Certificate under Section 2-6 understands conditions and limitations under which it was issued."	This Certificate is based on e issued subject to compliance	conditions existing at the time the inspection berein set forth was complated and is with all gratifications and instructions.
and Mound Son	2 10/21/93	Jane Hom :
Signed Name Company	Sign	Manne Chemist Contricate No
NOTE: THIS C	ERTIFICATE IS VALID ONLY ON MAI	#N=1/483145 Response Letter - EXHIBIT A 1

(409) 832-6409,898-4822, W.B. HATAWAY 537 K.L. MER	CER 517 4		•	SERIAL NO	
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otherwise specifically designated.  STANDARD SAFETY DESIGNATIONS (partial list, part		4 · · ·		• : .	, j.,
SAFE FOR WORKERS: Means that in the compartment of in the atmosphere are within permissible concentrations;	rspace so designated (a) the	oxygen content of the alm	osphere is at least 19.	5 percent by volume; and	that, (b) toxic materia
as directed on the Marine Chemist's Certificate.	\ \h\h\ \\h\		-	•	जन्म
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<ul> <li>lime are as specified.</li> <li>SAFE FOR HOT WORK: Means that in the compartment</li> </ul>	so designated: (a) oxygen co	ntent of the atmosphere is	at least 19,5 percent	by volume, with the excep	tion of inerted space
or where external hot work is to be performed; and that, (c) the residues are not capable of producing a higher con	(b) the concentration of flam centration than permitted by	mable materials in the atr b) above under existing at	mosphere is below 10 tmospheric conditions	) percent of the lower flam in the presence of fire, ar	nmable limit, and the obnizionaline de
directed on the Marine Chemist's Certificate; and turth sufficiently to prevent the spread of fire, or are satisfactori	er, that, (d) all adjacent spec	os containing or having	contained flammable	or combustible material	s have been cleane
the Marine Chemist's requirements, NOT SAFE FOR HOT WORK: Means that in the compa	riment so designated, the rec	ulrements of Safe for Ho	t Work have not been	met ·	aste.
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CHEMIST'S ENDORSEMENT. This is to certify that I have sound the condition of each to be in a	ve personally determined the	at all spaces in the forego	•	• •	
undersigned acknowledges receipt of this Certificate under Sec	-	This Certificate is based	on conditions existing at	the time the inspection here:	n set forth was complete
urstands conditions and limitations under which it was issued."	e ass	Issued subject to compli	ence was an qualification	a and historichous	
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In the eyent of any physical or atmosph of the above spaces, or it in any doubt.	neric changes adversely affecting th immediately stop all work aud con	ne STANDARD SAFETY D tact the undersigned Mar	ESIGNATIONS assigned to any ne Chemist
QUALIFICATIONS: Transfer of ballast of ma ments subject to gas accumulation, unless for the spaces so affected. All lines, vonts	specifically approved in this Certific	ate, requires inspection a	nd endorsoment or rolssue of Certificat
<ul> <li>otherwise specifically designated.</li> <li>STANDARD SAFETY DESKMATIONS (paris) list, p.</li> <li>SAFE FOR WORKERS: Means that in the compartment</li> </ul>	nt or space so designated: (a) the oxygen cont	ent of the atmosphere is at least	19.5 percent by volume; and that, (b) toxic materi:
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<u>SAFE FOR HOT WORK:</u> Means that in the compartme or where external hot work is to be performed; and if (c) the residues are not capable of producing a higher directed on the Marine Chemist's Certificate; and to	hat, (b) the concentration of Rammable mater concentration than permitted by (b) above un other, that, (d) all adjacent soaces containing	rials in the atmosphere is below Ser existing atmospheric conditi ng or having contained flamma	10 percent of the lower flammable limit; and I ons in the presence of life, and while maintaine ble or combustible materials have been cles
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Vessels and have found the condition of each to be in the undersigned acknowledges receipt of this Certificate under E "derstands conditions and limitations under Miles it was issued."	Section 2-8 of NFPA 306 and This Carl	ficate la based on conditions existin bject to compliance with all qualifica	g at the time the inspection herein set forth was close and instructions.
gned Stabush	SBA Génalifo	wing Cospler 's FEA	Response Vetter AMBIT A 1
- Thomas - The Company	THIS CERTIFICATE IS VALID O	Date Mane Chi	imst Chinic

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QUALIFICATIONS: Transfer of ballaut or m	anipulation of valves or closure equipment tending to alter con-	ditions in pipe lines, tanks or compart-
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in the atmosphere are within permissible concentrations as directed on the Marine Chemist's Certificate.	into space so obtain later. (a) the residues are not capable of producing toxic materials under each of the space of the s	usisting atmospheric conditions while maintained
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Vessels and have found the condition of each to be i		, <b>#</b>
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100) DOS COS COS COS COS COS COS COS COS COS C
409) 832-6409, 898-4822, 866-4223 P.O. 2736 SERIAL NO. F 83673
LEEVAC S/Y CENAR 3-7-94  Troy Requested by Vessel Denner or Agent Date
Type of Vessel  This column of Vessel  This column of Vessel  This column of Vessel  Type of Vessel
( ANNEWSATE ( RUDE OIL NO. 6 ) LICELY USUACITOKIC 10:30Ah
OK TO SHIPT BARGE WITHIN SHIPYARD
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SAKE FOR HOT WORK
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WITH AIR VENT. (AVIN: SPOCFIN)
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SAFE FOR HOT LEORY
FIREWATCH REWUITED
CHAMIST ON STANDBY OUR WITH HOUR
th The event of any other of any other of a though it changes adversely affecting the STANDARD SAFETY DESIGNATIONS assigned to any of the above spaces, or it in any doubtain indicately stop all your and contact the indersigning Markine Chemist.
QUALIPICATIONS: Transfer of ballast or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compart- monts subject to gas accumulation, unless epecifically approved in this Certificate, requires inspection and endorsement arrelesses of Certificate
for the spaces or affected. All lines, vents, healing calls, valves, and similarly enclosed appurtenances shall be considered "not sale" unless otherwise specifically designated.  8TANDARD SAFETY DESIGNATIONS (partial list, perspirased from NFPA 308 Subsections 2-3.1 through 2-3.5, and Subsection 8-3.2)
SAFEFOR WORKERS: Means that in the compartment or space so designated: (a) the oxygen content of the abmosphere is at least 19.5 percent by votume; and that, (b) toxic materials in the abmosphere are within permissible concentrations; and that, (c) the residues are not expalse of producing toxic materials under existing abmospheric conditions white maintained
as directed on the Marine Chemist's Certificate.  NOT SAFE FOR WORKERS: Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met.  ENTER WITH RESTRICTIONS: Means that in any compartment or space so designated, entry for work may be made only if conditions of proper protective equipment, clothing, and
time are as specified.  SAFEFOR HOT WORK: Means that in the compariment so designated: (a) oxygen content of the almosphere is at least 19.5 percent by volume, with the exception of ineried spaces
or where external hot work is to be performed; and that, (b) the concentration of flammable materials in the abnosphere to below 10 percent of the lower flammable limit, and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmosphere conditions in the presence of fire, and white maintained as directed on the Marine Chemist's Certificate; and further, that, (d) all adjacent spaces containing or having contained flammable or combustible materials have been cleared
directed on the Marine Chemist's Certificate; and further, that, (d) all adjacent spaces containing or having contained flammable or combustible materials have been cleaned sufficiently to prevent the spread of tire, or are satisfactority inerted, or, in the case of fuel tanks or tube oil tanks, or engine room or fire room bilges, have been treated in accordance with the Marine Chemist's requirements.
NOT.SAFE FOR NOT WORK: Means that in the compartment so designated, the requirements of Sale for Hot Work have not been met.  SAFE_FOR REPAIR YARD ENTRY: Means that the compartments and spaces of the flammable cryogenci liquid carrier so designated; (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19.5 percent only en, and less than 10 percent of the lower flammable fimit, or (b) are inerted.
CHEMIST'S ENDORSEMENT. This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation.
e undersigned acknowledges receipt of this Certificate under Bection 2-8 of NFPA 306 and restands coholidors and limitations under which it was issued."  This Certificate is based on conditions existing at the time the impact that the time the impact to complete the impact to complete the impact to complete the impact that the impact to complete the impact to complete the impact that the impact to complete the impact the impact to complete the impact to c
ined Sa Wagnife Course 3-7-94 signed U) Bot tura 1537
NOTESTHIS CERTIFICATE IS VALO ON NATIVE VESSELS. Response Letter EXHIBIT A 18

P.O. BOX 3602 BEAUMONT, TEXAS 77		RINE CHEMIS	ST CERTIFICATI
(409) 832-6409, 898-4822, 866-42 W.B. HATAWAY 537 K.L. MERCER 577	23 W.O. 1311	SER	<i>IAL NO.</i> <b>F</b> 8378{
S IS A S//	CCNAC		5-17-94
Survey Requested by	Vessel Owner or Agent TANE LANC	<b>6</b> -ē	Date SBA S/y
CARBON OIL CROSE OIL	Type of Vessel	UNL TOVIC	Specific Location of Vess:
Last Three [S] Cargoes	, Tests Performed	21.01.01.0	Time Survey Complets
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in the event of any physical or almospheric changes of the above spaces, or if in any doubt, immediately s			
• QUALIFICATIONS: Transfer of ballast or manipulation of vi- ments subject to gas accumulation, unless specifically ap- for the spaces so affected. All lines, vents, heating cells,	proved in this Certificate, requi	res inspection and endorse	manterfetsus of Carlificate
otherwise specifically designated. STANDARD SAFETY DESIGNATIONS (partial list, paraphrased from N	• • •		
SAFE FOR WORKERS: Means that in the compartment or space so design in the atmosphere are within permissible concentrations; and that, (c) the r	maled: (a) the oxygen content of the atm	cosphere is at least 19.5 percent by	y volume; and that, (b) loxic materials spheric conditions white maintained
se directed on the Marine Chemist's Certificate.  NOT BAFE FOR WORKERS: Means that in the compartment or space:			
ENTER WITH RESTRICTIONS: Means that in any compartment or spacetime are as specified.			×.
SAFE FOR HOT WORK: Means that in the compartment so designated: [ or where external hot work is to be performed; and that, [b] the concent [ (c) the residues are not capable of producing a higher concentration than.	ration of flammable materials in the all	mosphere is below 10 percent of Impospheric conditions in the pres	the lower fammable limit; and that, ence of fire, and while maintained as
directed on the Marine Chemist's Certificate; and further, that, (d) all a sufficiently to prevent the spread of lire, or are saltsfactorily inerted, or, in the	diacent spaces containing or having	contained flammable or combus	stible materials have been cleaned ave been treated in accordance with
the Marine Chemist's requirements.  NOT SAFE FOR HOT WORK: Means that in the compariment so design			heen tested by sampling at remale
SAFE FOR REPAIR YARD ENTRY: Means that the compartments and sempling stations, and results indicate the atmosphere tested to be about CHEMIST'S ENDORSEMENT. This is to carrily that I have personally discounting the control of the c	ve 19.5 percent oxygen, and less than	10 percent of the lower flammat	le limit, or (b) are inerted.
Vassels in a representation of each to be in accordance with The undersigned acknowledges focular to this Certificate under Section 2-6 of NFPA.	its assigned designation.  This Certificate is based	on conditions existing at the time the i	nspection herein set forth was completed and
understands conditions and limitations under which it was issued."	Issued subject to compl	ance with all qualifications and instruc	Mr. Z
Signed Name Company	SBN 1-11-119	Signed (U, D). Z.	Constitue No.
NOTE: THIS CERTIF	CATE IS VALID ONLY ON I	MARINE VESSELS. PSP	onse Letter - EXHIBIT A 1 Printed in U.S./

### SAYBOLT INC.

FICE:



LOAD PORT/DISPORT LOCATION: JENNING: LA TERMINAL: LBA SHIPYARD CARGO:

#### TANK INSPECTION REPORT

VESSEL: CTC0-3025 DATE: 5-17-94

	VESSEL DATA
Tank History subn	nitted by SBA SHIPYALO
	- Lander Land
Tank cleaning me	thod said to be _D., TELULATH ACH @ 150
-	CRAPPED : FACH TANK STEAMED 3HOS
	STAIRED AND DAYED
	d designated by customer as:
0.15-51	
Provious Caraos	Last
•	Last
•	2nd Last
	3rd Last

Information obtained from vessel's officers or vessel's logs cannot be guaranteed accurate by E. W. Saybolt & Co., Inc., and therefore no liability can be assumed for errors resulting from Improper information supplied.

The responsibility for improper information must remain with the vessel and her officers.

This report, of necessity, is based on such information.

To minimize any contamination that could be caused by vessel's pipelines or conditions that cannot be checked by visual examination it is recommended that "first-ins" samples are checked.

If any vessel's tanks are coated, this statement of opinion covers only the cleanliness of the coating and offers no judgment regarding the suitability of the coating to protect or damage the targo.

INSPECTION RESULTS			
Date			
ocation SBA SHIPYARD CAS FREE SOCK			
On the above date, we complied with your order and visually inspected the following vessel tanks:			
1.2.3 4 PORT 8 576D			

At the time of inspection, through visual means and submitted information, said tanks were found, in our opinion, (to be) (not to be) substantially clean for receipt of cargo designated by customer as

-- DIESEE

Above mentioned tanks are subject to final inspection prior to loading.

**REMARKS:** 

TANK LINES WELE STRIPPED WASHED AND ... FLUSHED . VISUAL INSPECTION MADE @ HEADER FLANDES

C DALCE SAYBOLT

4 NO. INS 502 (7/84)-2

# SAYBOLT INC.



LOAD PORT/DISPORT LOCATION: JENNINGS, LA TERMINAL: SBA SHIPYARD CARGO:

### **TANK INSPECTION REPORT**

VESSEL: CTC0-3025 DATE: 5-17-94

OFFICE:

VESSÉL DATA	INSPECTION RESULTS
Tank History submitted by SBA SHAYALO	Date Time Time
Tank cleaning method said to be _D.T.C.1 world	On the above date, we complied with your order and visually inspected the following vessel tanks:  1-2-3-4 PORT # STED
Previous Cargos: Last  2nd Last  3rd Last  Information obtained from vessel's officers or vessel's logs cannot be guaranteed accurate by E. W. Saybolt & Co., Inc., and therefore no liability can be assumed for errors resulting from improper information supplied.  The responsibility for improper information must remain with the vessel and her officers.  This report, of necessity, is based on such information.  To minimize any contamination that could be caused by vessel's pipelines or conditions that cannot be checked by visual examination it is recommended that "first-ins" samples are checked.  If any vessel's tanks are coated, this statement of opinion covers only the cleanliness of the coating and offers no judgment regarding the suitability of the coating to protect or	At the time of inspection, through visual means and submitted information, said tanks were found, in our opinion, (to be) (not to be) substantially clean for receipt of cargo designated by customer as  DIESE  Above mentioned tanks are subject to final inspection prior to loading.  REMARKS:  TANK LIMES WELE STRIPPED WASHED AND FLUSHED. VISUAL TRISPECTION MADE @ HEADER FLANDES

FORM NO. INS-502 (7/84)-2

SECTOMBER 1997 FOR SEC. 15

U. BUA 30UZ BEAUMUNT, TE	866-4223 W.O. #	HEMISI CEKITFICATE SERIAL NO. F / / []
B. HATAWAY 537 K.L. MERC 6 <i>23/9</i>	ER 577 1327	8-16-94
ey Requested by	Vessel Owner or Agent	SAR/ Trainings
TCO 1524B	TANK BARGE	Specific Location of Vesse
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In the event of any physical or almospher	c changes adversely affecting the STANDARD SAFETY modiately stop all work and contact the undersigned M	DESIGNATIONS assigned to any
	mediately, stop all work and contact the undersigned M rulation of valves or closure equipment tending to after	
mente subject to gas accumulation, unless apo	ulation of saves of closure adulpment tending to alter coffically approved in this Certificate, requires inspection pating colls, valves, and similarly enclosed appurienant	and endorsement or relasue of Cartificate
otherwise specifically designated.	hrased from NFPA 306 Subsections 2-3.1 through 2-3.5, and Subse	•
SAFE FOR WORKERS, Means that in the compartmentor in the almosphere are within remissible conceptrations, a	space so designated; [a] the oxygen content of the atmosphere is at lear nd that, (c) the residues are not capable of producing toxic malerials un	et 19.5 percent by volume; and that, (b) toxic maleriels for existing atmospheric conditions while maintained
as directed on the Marine Chemist's Certificale.	ment or space so designated, the requirements of Safe for Workers h.	
	rient or space so designated, enby for work may be made only if cor	•
BAFE FOR HOT WORK: Means that in the compartment at for where external hot work is to be performed, and that, ( ic) the residues are not capable of producing a higher considered on the Marine Chemist's Certificate; and further sufficiently to prevent the spread of fire, or are satisfactority	to designated: (a) exygen content of the almosphere is at least 19.5 per b) the concentration of flammable meterials in the atmosphere is bel- centration than permitted by (b) above under existing atmospheric cond- r, that, (d) all adjacent spaces containing or having contained flamm inerted, or, in the case of theil tanks or those citianks, or engine room or it	ow 10 percent of the lower flammable limit; and that, litions in the presence of tire, and while maintained as nable or combustible materials have been cleaned
the Marine Chemist's requirements. NOT SAFE FOR HOT WORK: Meens that in the compart	iment so designated, the requirements of Safe for Hot Work have not	been met.
SAFE FOR REPAIR YARD ENTRY: Means that the comp	artments and spaces of the flammable cryogenic liquid carrier so des sted to be above 19.5 percent oxygen, and less than 10 percent of th	ignated: (a) have been tested by sampling at remote
•	re personally determined that all spaces in the foregoing list are in acc	• •

3-88

# MARINE CHEMIST CERTIFICATE **SERIAL NO. F** 77156

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Survey Requested by		Vessel Owner or Agent	.: 077	Cete
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QUALIFICATIONS: Transfer of hailest or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compartments subject to gas accumulation, unique specifically approved in this Certificate, requires inspection and endorsomentor reissue of Certificate for the spaces so affected. All lines, vents, heating coils, valves, and similarly enclosed appurtenances shall be considered "not sale" unless otherwise specifically designated.

STANDARD SAFETY DESIGNATIONS (partial list, paraphrased from NFPA 306 Subsections 2-3.1 through 2-3.5, and Subsection 8-3.2)

SAFE FOR WORKERS: Means that in the compartment or space so designated: (a) the oxygen content of the atmosphere is at least 19.5 percent by volume; and that, (b) toxic materials in the atmosphere are within permissible concentrations; and that, (c) the residues are not capable of producing toxic materials under existing atmospheric conditions white maintained as directed on the Marine Chemist's Certificate.

NOT SAFE FOR WORKERS: Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met.

ENTER WITH RESTRICTIONS. Means that in any compartment or space so designated, entry for work may be made only if conditions of proper protective equipment, clothing, and time are as specified.

SAE FOR HOT WORK: Means that in the compartment so designated: (a) oxygen content of the atmosphere is at least 19.5 percent by volume, with the exception of inerted spaces or where external hot work is to be performed; and that, (b) the concentration of fiammable materials in the atmosphere is below 10 percent of the lower flammable limit; and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire, and white maintained safetive to the material permitted of the presence of fire, and white maintained safetive to the material permitted of the presence of fire, and white maintained safetive to the material permitted of the presence of fire, or are satisfactorily inerted, or, in the case of fireftanks or lube of tanks, or engine room or fire room biges, have been treated in accordance with the Marine Chemist's requirements.

NOT SAFE FOR HOT WORK Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met.

SAFE FOR REPAIR YARO ENTRY: Means that the compartments and spaces of the literimable cryogenic liquid carrier so designated: (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19.5 percent oxygen, and less than 10 percent of the lower flammable timit, or (b) are incred.

CHEMIST'S ENDORSEMENT. This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its essigned designation.

The undersigned acknowledges receipt of this Certificate under Section 2-6 of NFPA 306 and understands conditions and limitations under which it was issued.

\_ Signed \_ NOTE: THIS CERTIFICATE IS VALID ONLY ON MARINE VESCELS. Response Letter - EXHIBIT A

MAKINE CHEMIST CERTIFICALE P.O. BOX SOOS REAUHORS, SEXAS 77704 (409) 832-6409, 898-4822, 865-4273 William **SERIAL NO. F** 77611 W.B. HATAWAY 537 R.L. MERCER 577 8-2% Specific Location of Vesse Time Survey Completer Last Three (3) Cargoes Tests Performed SALL TO WALLERS BOW RAKE TANKSE FOR WONEERS SAFE FOR HETWICK BENZENE - LESS THIN 615 Agn. VENTHATION EXPUNICE WASHED BLOWN WIRE AVR LOCAL SHIFTING THIS VETSEL IS APPRILLED WITH-IN SHIDVARD ٠. :: (If the event of any physical or atmospheric changes adversely affecting the STANDARD SAFETY DESIGNATION of the provession of the angle spaces. Or if in any doubt immediately stop all work and contact the undersigned Marine Chemic QUALIFICATIONS: Transfer of ballast or manipulation of valves or closure equipment tending to after conditions in pipe lines, tanks or compartments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsementor release of Certificate (of the spaces so affected. All lines, vents, heating coils, valves, and similarly enclosed appurtenances shall be considered "not sate" unless bifervilse specifically designated. STANDARD SAFETY DESKUNATIONS (partial list, paraphrased from NFPA 308 Subsections 2-3.1 through 2-3.5, and Subsection 6-3.2) SAFE FOR WORKERS: Means that in the compartment or space so designated: (a) the oxygen content of the atmosphere is at least 19.5 percent by volume; and that, (b) toxic materials in the atmosphere are within permissible concentrations; and that, (c) the residues are not capable of producing toxic materials under existing atmospheric conditions white materials directed on the Marine Chemist's Certificate. NOT SAFE FOR WORKERS: Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met. ENTER WITH RESTRICTIONS: Means that in any compartment or space so designated, entry for work may be made only if conditions of proper protective equipment, clothing, and time are as specified. SAFE FOR HOT WORK: Means that in the compartment so designated; (a) oxygen content of the atmosphere is at least 19.5 percent by volume, with the exception of inerted spaces or where external hot work is to be performed; and that, (b) the concentration of atministic majoriets in the atmosphere is below 10 percent of the lower flammable limit; and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire, and while maintained as directed on the Marine Chemist's Certificate; and further, that, (d) all adjacent appears containing or having contained flammable or combustible maintains have been cleaned sufficiently to prevent the spread of fire, or are satisfactionly inerted, or, in the case of firet lanks or tube of tanks, or engine room or are room bilges, have been treated in accordance with the Marine Chemist's requirements. NOT SAFE FOR HOT WORK: Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met. SAFE FOR REPAIR YARD ENTRY: Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated: (a) have been tested by sampling at remote sampling stations, and results indicate the almosphere tested to be above 19.6 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are intered. CHEMIST'S ENDORSEMENT. This is to certify that I have personally determined that all spaces in the toregoing list are in accordance with NFPA 306 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation. "The undersigned acknowledges receipt of this Cartificate under Section 2-6 of NFPA 308 and Independent of this Cartificate is based on conditions existing at the time the inspection herein set lorth was complete understands conditions and finitetions under which it was issued."

This Certificate is based on conditions existing at the time the inspection herein set lorth was complete issued subject to complete the all qualifications and instructions.

NOTE: THIS CERTIFICATE IS VALID ONLY ON MARINS VESSELS esponse Letter - EXTERN A 24

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To: SBA SHIPYARD / MR SMAINACE FAX # 318 - 824-8330 FROM: KEN BLERCER (409) 866-4223 RE: Copy or MARNE CHANS CORT.

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NOTE: THIS CERTIFICATE IS VALID ONLY ON MARINE VESSELS: esponse Letter - EXHIBIT A Printed in U.S.

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This infloretimed acknowledges receipt of this Certificate under Section individuals conflions and firstations under which it was issued.	2.6 of NFPA 308 and his process in the Complicate is based on conditions existing at the importance with all qualifications a	time the inspection have in set forth was completed and is in distructions.
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# SBA SHIPYARDS, INC. PROBABLE SOURCES OF CONTAMINANTS CURRENTLY PRESENT IN TANKS AND PITS

COMPANY	DATE(S)*	VESSEL NUMBER	PREVIOUS 3 CARGOES	WORK ORDER NO.	ADDITIONAL INFO.
Cenac Towing Company	enac Towing Company 11/14/88 CTCO 181 #6 Oil, Crude, Condensate			1094	Last cargo 6-oil and crude oil
	5/8/89	CTCO-186	Condensate	1122	Stripped condensate from tanks
	9/11/90	CTCO 153	Crude Oil	1180	Cleaned out paraffin off of crude oil
-	6/4/90	CTCO-188-12	Condensate	1170	Stripped barge of condensate approx. 3 bbls vacuum trucks
	6/4/90	CTCO-189-12	Condensate	1170	Stripped barge of condensate approx. 3 bbis vacuum trucks
1	2/1/91	CTCO-175	Crude Oil	1198	Removed approx. 60 bbls paraffin wax off of crude oil
	10/18/91	CTCO 3022	Crude Oil (3x)	1222	Arrived Pre-Cleaned
	12/31/91	CTCO 154	Slop Oil	1226	Approx. 16 bbls of 6-oil and crude oil removed.
	2/7/92	CTCO 2312	Crude Oil (3x)	1230	Arrived Pre-Cleaned
	4/5/92	CTCO-2304		1240	Arrived Pre-Cleaned
	5/3/92	CTCO-175		1248	Removed 10 bbls scale, wax & grease
	2/20/92	HBL 3006	Asphalt (3x)	1234	Approx. 12' in #1 port and #2 STB of asphalt
	4/13/92	CTCO 2303	Crude Oil (3x)	1246	Arrived Pre-Cleaned
	5/22/92	CTCO 2311	Crude Oil	1252	Arrived Pre-Cleaned
	8/17/92	СТСО 3005	Asphalt, #6	1256	removed approx. 38 bbls 6-oil, asphalt & rust

# SBA SHIPYARDS, INC. PROBABLE SOURCES OF CONTAMINANTS CURRENTLY PRESENT IN TANKS AND PITS

COMPANY	DATE(S)#	VESSEL NUMBER	VESSEL NUMBER PREVIOUS 3 CARGOES		ADDITIONAL INFO.
Cenac Towing Company	9/4/92	CTCO 1183	Lube Oil	1257	removed approx. 18 bbls B. S. & W.
	11/6/92	CTCO 3003	No. 6 Oil	1262	Removed approx. 168 bbls of rust, asphalt & 6-oil
,	1/5/93	CTCO 186-20	Crude Oil	1271	Arrived Pre-Cleaned
·	4/5/93	CTCO 3007	Héavy Slop Oil	1273	Removed approx. 201 bbls of asphalt, rust & 6-oil
	6/11/93	CTCO 181	Waste Water, Drill Water	1280	removed approx. 12 bbls of scale and B.S. & W.
	7/15/ <del>9</del> 3	CTCO 196-20	Crude Distillate	1283	Cleaned for change of cargo crude oil to diesel
	7/28/93	CTCO 196-26	Waste Water	1284	Cleaned sewage barge rust and scale
	10/15/93	CTCO 3025	Carbon Oil	1292	Cleaned approx. 130 bbls carbon oil
	9/6/93	CTCO-2001	Light Oil	1290	Stripped vessel for change of cargo light oil
	9/6/93	CTCO 2002	Light Oil	1290	Stripped vessel for change of cargo light oil
	10/5/93	CTOC-197	Light Oil	1293	Stripped light products from barge approx. 76 bbls.
·	10/5/93	CTCO-198	Light Oil	1293	Stripped light products from barge approx. 76 bbls.
	10/27/93	CTCO 179	Crude Oil	1295	Arrived Pre-Cleaned

# SBA SHIPYARDS, INC. PROBABLE SOURCES OF CONTAMINANTS CURRENTLY PRESENT IN TANKS AND PITS....

COMPANY	DATE(S)*	VESSEL NUMBER	PREVIOUS 3 CARGOES	WORK ORDER NO.	ADDITIONAL INFO.
Cenac Towing Company	3/7/94	CTCO 2003	Condensate, Crude Oil, No. 6 Oil	2736	No additional information
	10/4/94	CTCO-198	Crude oil, No. 6 oil	1338	Removed approx. 24 bbls heavy crude and 6-oil
	5/17/94	CTCO 3025	Carbon Oil, Crude Oil	1311	Removed approx. 48 bbls product
	8/9/94	CTCO 3022	Crude Oil	1326	Approx. 25 bbls of product removed
	8/16/94	CTCO 1524b	Crude Oil	1327	Removed approx. 30 bbls product
	8/24/94	CTCO 1526b	Crude Oil 3x	1328	Heavy crude oil approx. 90 bbls removed
	5/1/95	СТСО 230	Crude Oil (3x)	· 1353	Removed approx. 38 bbls heavy grease and paraffin wax
	7/9/95	CTCO-194	Crude Oil	1363	Removed approx. 46 bbls of rust, paraffin & crude oil
	8/1/95	CTCO-195	Crude Oil	1364	Removed approx. 51 bbls rust, crude oil, and paraffin wax
	11/2/95	CTCO-3024		1371	Arrived Pre-Cleaned
	11/3/95	CTCO-3025		1373	Arrived Pre-Cleaned
	2/3/96	CTCO-194-25	Carbon Oil	1378	Removed approx. 35 bbls of carbon oil and slurry oil

TOTAL BARGES CLEANED FOR THIS CUSTOMER = 31

<sup>\* -</sup> Based on date from Marine Chemist's Gas Free Certificate

### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



**REGION 6** 1445 ROSS AVENUE, SUITE 1200 DALLAS, TX 75202-2733

December 12, 2002

# VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7000 0520 0022 2560 7567

Mr. Louis Smaihall Owner/President SBA Shipyards, Inc. P.O. Box 1386 Jennings, LA 70546

Transmittal of Executed and Filed Order and Agreement ("Agreement") for Interim Measures/Removal Action ("IM/RA") of Hazardous/Principal Threat Wastes at SBA Shipyards, Inc., Jennings, LA, EPA ID No. LAD008434185 ("SBA") pursuant to Section 3008(h) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(h). Docket No. RCRA-6-2002-0908.

Dear Mr. Smaihall:

I am transmitting a copy of the Agreement dated December 9, 2002, for your records. At this time I am also requesting summary information which you have developed relating to the customers of SBA. This would include but not be limited to the circa 1996 letter from your counsel of the time to SBA customers in which SBA requests funding support for remedial activities at the SBA facility from approximately twenty-two (22) current and former customers.

Should you have any further questions, please feel free to contact me at (214) 665-2280 or by any other means noted in the Agreement.

Sincerely yours,

Gene Keepper, CHMM

RCRA Project Manager Technical Section (6EN-HX)

# **Enclosures**

Michael A. Chernekoff, Esq. CC: Michael Pisani, MP&A Lourdes Iturralde, LDEO Keith Horn, LDEQ-RSD

### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



**REGION 6** 1445 ROSS AVENUE, SUITE 1200 DALLAS, TX 75202-2733

December 12, 2002

# VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7000 0520 0022 2560 7550

SSIC Remediation, L.L.C. c/o Atty. Michael A. Chernekoff Jones Walker 201 St. Charles Avenue, 50th Floor New Orleans, LA 70170-5100

Transmittal of Executed and Filed Order and Agreement ("Agreement") for Interim Re: Measures/Removal Action ("IM/RA") of Hazardous/Principal Threat Wastes at SBA Shipyards, Inc., Jennings, LA, EPA ID No. LAD008434185 ("SBA") pursuant to Section 3008(h) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(h). Docket No. RCRA-6-2002-0908.

#### Dear Mr. Chernekoff:

I am transmitting a copy of the Agreement dated December 9, 2002, for your records and the records of SSIC Remediation. As we have previously discussed, I will await a written response from your office which includes: a member listing of the Limited Liability Corporation SSIC Remediation, which includes designation of corporate representation by those members; the articles of incorporation for SSIC Remediation, L.L.C.; and the full listing of SBA Shipyards, Inc. customers, to the best of the knowledge of SSIC.

Should you or members of SSIC have any further questions, please feel free to contact me at (214) 665-2280 or by any other means noted in the Agreement.

Sincerely yours.

Gene Keepper, CHMM RCRA Project Manager

Technical Section (6EN-HX)

#### **Enclosures**

Michael Pisani, MP&A CC: Louis Smaihall, SBA Lourdes Iturralde, LDEQ Keith Horn, LDEQ-RSD



#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**REGION 6** 1445 ROSS AVENUE, SUITE 1200 DALLAS, TX 75202-2733

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**VIA FEDERAL EXPRESS: 8220 0515 8452** 

SSIC Remediation, L.L.C. c/o Atty. Michael A. Chernekoff Jones Walker 201 St. Charles Avenue, 50th Floor New Orleans, LA 70170-5100

VIA FAX & CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7000 5020 0022 2560 7543

Mr. Louis Smaihall Owner/President SBA Shipyards, Inc. P.O. Box 1386 Jennings, LA 70546

Order and Agreement ("Agreement") for Interim Measures/Removal Action ("IM/RA") of Hazardous/Principal Threat Wastes at SBA Shipyards, Inc., Jennings, LA, EPA ID No. LAD008434185 ("SBA") pursuant to Section 3008(h) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(h). Docket No. RCRA-6-2002-0908.

#### Dear Messrs. Chernekoff and Smaihall:

The U.S. Environmental Protection Agency, Region 6 ("EPA") has identified elevated levels of certain contaminants in waste, soil, subsoil, and ground water media at SBA. This contamination resulted from historic clean-out operations at SBA conducted within barges and ships for or on behalf of members of SSIC Remediation, L.L.C. ("SSIC") and others. The clean-out residues were placed in tanks, two (2) impoundments and a land farm.

Samples were obtained from the area at SBA identified hereinafter as the SBA South Operable Unit ("SBA-SOU"), including samples of soil and subsoil media, and of tank and impoundment contents. The SBA-SOU shall be defined as all SBA property generally south and west of the line identified as "Lease Line of Property by Others" on the attached Statement of Work ("SOW"), Figure 1: Facility Plot Plan. The SBA-SOU soil and subsoil media samples contained concentrations of anthracene, chrysene, fluoranthene, phenanthrene, methylene chloride, and chromium exceeding the EPA Region 6 Media Specific Screening Levels. 1 Certain of the SBA-SOU tank and impoundment samples exceeded the Toxicity Characteristic Regulatory Limits for benzene and vinyl chloride. Most of the contamination of interest for the IM/RA described in the attached SOW exists in and around the areas noted in SOW Figure 1 as oil pit, oily material tanks, partially buried barge.

Ground water samples were obtained from the area at SBA identified hereinafter as the SBA Ground Water Operable Unit ("SBA-GWOU"). The SBA-GWOU, at a minimum, follows the areal extent of the SBA-SOU and may incorporate additional subsurface lateral extent as a function of ground water flow and contamination patterns The SBA-GWOU ground water samples contained non-aqueous phase liquids and concentrations of benzene exceeding the maximum contaminant level ("MCL") for drinking water.

<sup>&</sup>lt;sup>1</sup>The EPA Region 6 Media Specific Screening Levels are available on the world wide web at http://www.epa.gov/earthlr6/6pd/rcra c/pd-n/screen.htm.

The elevated contaminant levels in the SBA-SOU soil and subsoil and in the SBA-GWOU ground water constitute a release of hazardous constituents to the environment. In accordance with Section 3008(h) of RCRA 42, U.S.C. 6928(h), EPA has the authority to issue an Order to require cleanup actions where the Agency has made a determination that there is a release of hazardous constituents into the environment from an interim status facility. SBA should have had interim status or a permit to store characteristic hazardous wastes in impoundments and operate a land farm. EPA believes that the presence of hazardous constituents in the environment at SBA presents a threat to human health and the environment. Consequently, cleanup actions at SBA are necessary to limit exposure for humans or organisms to these hazardous constituents.

EPA has reviewed the attached SOW, submitted by SSIC, and finds it acceptable for an IM/RA. SBA agrees to implement an IM/RA on the SBA-SOU to meet visual removal levels as outlined in the SOW, with SSIC project management assistance. Implementing activities described in the SOW will remove the hazardous/principle threat wastes and allow future long term remedial work at SBA to proceed safely. EPA intends to pursue future long-term remedial work at the SBA facility, under a subsequent agreement to be finalized within three (3) years.

#### I. Requirements, Studies, and Documents Incorporated by Reference

SBA shall implement all parts of the SOW which is incorporated by reference into this Agreement and SSIC shall fund and assist in management of that implementation. The parties recognize that the SOW requires studies and/or work plans be submitted to EPA for comment and/or approval. All such studies and work plans, upon approval by EPA, are deemed incorporated by reference into both this Agreement and the incorporated SOW. Any changes to the scope of the SOW, whether an increase or a decrease in scope of the SOW, must be in writing and must be agreed to by the Project Managers designated below.

#### II. Project Managers

EPA has designated a Project Manager to provide oversight for the activities in this Agreement. The EPA Project Manager shall be EPA's designated representative for remedial activities at the Facility and shall be:

Mr. Gene Keepper, CHMM RCRA Project Manager U.S. Environmental Protection Agency Region 6 (6EN-HX) 1445 Ross Avenue, Suite 900 Dallas, Texas 75202-2733 Phone: 214-665-2280 Fax: 214-665-7264

E-mail: Keepper.Gene@epa.gov

SBA and SSIC have designated a joint Project Manager to oversee implementation of the SOW. The SBA/SSIC designated Project Manager is:

Mr. Michael E. Pisani, P.E. Michael Pisani & Associates, Inc. 1100 Poydras Street Energy Center New Orleans, LA 70163 Phone: 504-582-2468

Fax: 504-582-2470

E-mail: m.p isani@ix.netcom.com

Unless otherwise provided herein, all communications between SBA/SSIC and the EPA, and all documents, reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Agreement shall be directed through the Project Managers.

SBA/SSIC shall notify the EPA in writing of the name, title, and qualifications of any contractors or subcontractors and their personnel to be used in carrying out the terms of this Agreement within five (5) calendar days of the effective date of this Agreement, or within five (5) calendar days prior to such contract or subcontract.

# III. Effective Date of this Agreement

SBA shall state its agreement to perform the activities in this Agreement, jointly with SSIC, by the signing by a responsible official on the signature line for SBA found below. SSIC shall state its agreement to perform the activities in this Agreement, jointly with SBA, by the signing by a responsible official on the signature line for SSIC found below. The original of this Agreement with the signatures for SBA and SSIC shall be returned to EPA within 45 calendar days of receipt of this Agreement. This Agreement is effective upon the signatures for both SBA and SSIC and the filing by EPA of the original Agreement containing the signatures for EPA, SBA, and SSIC with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 6.

#### IV. Work

EPA acknowledges that the work performed at this facility in accordance with this Agreement would achieve programmatic parity, avoid duplication and delay, and achieve substantive consistency between remedial programs as described in the NPL/RCRA deferral policy (54 FR 41000).

#### V. Contribution Protection

The parties agree, and by entering into this Agreement EPA intends, that SBA, its President, Mr. Louis Smaihall, SSIC and the members of SSIC are entitled, as of the effective date of this Agreement, to protection from contribution actions or claims for the actions or matters addressed by Section 3008(h) of RCRA and memorialized in this Agreement.

#### VI. Oversight Costs

If SBA and SSIC fulfill all obligations of this Agreement, EPA agrees it will not assert any claim against SBA or SSIC (or its members) for costs associated with oversight of work by EPA's RCRA Project Manager performed by SBA and/or SSIC under this Agreement.

If either SBA chooses not to implement or SSIC chooses not to fund or assist in managing work pursuant to the SOW, EPA will evaluate its options (including issuance of Unilateral Orders under Sections 3008(h) or 7003 of RCRA or CERCLA remedial action) against all parties to ensure that concerns are properly addressed. If problems or unforeseen circumstances arise, the EPA will assist as needed to achieve a timely and effective remediation. EPA appreciates your cooperation in this matter. If you have any questions concerning the work required by this Agreement, please do not hesitate to contact Mr. Gene Keepper by any method previously indicated.

Sincerely yours,

Samuel Coleman, P.E.

Director

Compliance Assurance and **Enforcement Division** 

IT IS AGREED:

Mr. Louis Smaihall

Owner/President, SBA Shipyards, Inc.

IT IS AGREED:

Agles - B - CEUAC Signature/Printed Name, Manager SSIC Remediation, L.L.C.

Enclosure

cc:

Lourdes Iturralde, LDEQ Keith Horn, LDEQ-RSD Michael Pisani, Michael Pisani and Associates

# **CERTIFICATE OF SERVICE**

I hereby certify that on the 10 th day of December 2002, the original of the Subject Letter Agreement was hand delivered to and filed by the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 6, Wells Fargo Bank Tower, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that on the 12 th day of December 2002, that true and correct copies of the Letter Agreement were sent to the following by the method indicated below:

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7000 0520 0022 2560 7567

Mr. Louis Smaihall Owner/President SBA Shipyards, Inc. P.O. Box 1386 Jennings, LA 70546

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7000 0520 0022 2560 7550

SSIC Remediation, L.L.C. c/o Atty. Michael A. Chernekoff Jones Walker 201 St. Charles Avenue, 50th Floor New Orleans, LA 70170-5100

SBA/SSIC 3008(h) Certificate of Service Page 1 of 1 Pages

Gene Keepper, Project Manager

Phone Number: 214-665-2280 December 10, 2002

# August 15, 2001 Statement of Work Accelerated Cleanup Action

# SBA Shipyards, Inc. Jennings, Louisiana

# Summary

This Statement of Work (SOW) describes Interim Measures to be performed at the SBA Shipyards, Inc. ("SBA"), site near Jennings, Louisiana ("the Site"). The Interim Measures described herein address removal and offsite thermal destruction of oils and the solidification & stabilization of oily sludges. These materials pose a potential risk of fire, explosion or release to the environment. The objective of these Interim Measures is to reduce that threat through the removal of these materials.

This SOW describes the framework and major work components by which the objective of these Interim Measures will be met. Detailed descriptions of key work components and/or tasks (e.g., treatability testing, water disposal, selection of offsite disposal facilities for solidified sludges, etc.) will be presented to the U.S. EPA in brief work plans for review and approval. For each key task, a brief work plan will be submitted at least ten working days prior to commencement of that task.

SBA will transport pumpable oils and oily materials from the site to an offsite permitted thermal destruction facility. Oils, waxes and oily sludges that are not acceptable to the thermal destruction facility will be solidified and stabilized insitu, and the solidified/stabilized material will be transported offsite to a RCRA Subtitle D permitted landfill.

This SOW does not address ground water, nor does it address any impacted media stemming from site activities not directly associated with barge-cleaning activities conducted by SBA.

# Site Description

The Site is located on the west bank of the Mermentau River at the end of Louisiana Highway 3166 (Castex Landing Road), approximately four miles southeast of Jennings, Louisiana and approximately two miles southwest of Mermentau, Louisiana. The SBA facility was used to construct, repair and clean barges and other marine vessels since the mid-1960s. The approximately 98-acre site is a predominantly open area on the banks of the Mermentau River.

Beginning in 1993, the portion of the site used to construct and repair barges and other marine vessels was leased to another firm; that firm has since acquired the leased portion of the SBA facility. The portion of the site used by SBA for "gasfree" barge cleaning activities is the portion of the site located south of the barge slip. A site map, showing major site features, is attached as Figure 1.

A mixture of oils and water resulting from past barge cleaning activities is contained in a number of aboveground steel tanks and vessels in the portion of the facility used for barge cleaning activities. A partially buried barge contains a number of compartments filled or partially filled with oil, water and small amounts of solids and/or sludges. In addition, an open earthen pit on the site contains oil, waxes, solids and/or sludges and water.

# Scope of Work

This SOW describes only Interim Measures associated with the stabilization and/or removal of pumpable oils and oily sludges that were generated by SBA as part of barge-cleaning activities at the facility.

This SOW defines the scope of planned Interim Measures for addressing oils and oily sludges generated by barge-cleaning activities conducted by SBA, at its barge-cleaning facility near Jennings, Louisiana. The objective of the Interim Measures described herein is to minimize the potential for release of contaminants from the site by reducing the mobility, toxicity and volume of contaminated media.

The volume, mobility and toxicity of contaminated media will be reduced through the removal from the site of pumpable oils and oily material generated by previous barge cleaning activities conducted at the site. These pumpable oils and oily materials will be incinerated or otherwise thermally destroyed at an offsite. permitted facility.

The volume, toxicity and mobility of contaminants at the site will also be reduced through the stabilization/solidification and offsite disposal (as non-hazardous solid waste) of waxes and sludges generated by barge cleaning activities at the site. In the unlikely event that any material is not accepted for offsite disposal by a RCRA Subtitle D facility, it will be stabilized/solidified, consolidated onsite, and capped with a low-permeability polymer liner until appropriate measures for management and final disposition of the consolidated material can be determined.

A work plan with a definite schedule for final disposition of consolidated onsite materials will be submitted to U.S. EPA within 45 days after completion of the consolidation activities.

The scope of this SOW is performance of the Interim Measures described herein. The scope of the Interim Measures is limited to addressing pumpable oil mixtures, waxes, sludges and sludge-like soils generated by barge cleaning activities at the site.

Management of ground water and/or contaminated soils which may be associated with SBA's barge cleaning activities will be addressed in the future, after the Interim Measures described herein have been completed and evaluated with respect to Preliminary Remedial Goals for the site.

# **Preliminary Remedial Goals**

Preliminary Remedial Goals (PRGs) for the Interim Measures described herein are the removal of oils and oily materials contained in tanks and land based units (i.e., earthen pits and landfarm) at the Site, the SBA South Operable Unit (SBA-SOU). These fluids and sludges contain hazardous constituents in concentrations great enough which present a potential risk of fire, explosion or release to the environment. The removal of these materials from the site will eliminate or mitigate against any such risk. Under these criteria, the site-specific PRGs are:

- Complete removal of oils and oily Principal Threat/Hazardous Wastes contained in all Site tanks or containers followed by decontamination. Removal & decontamination, will be followed by exhumation, if necessary, demolition, and cutting & scrapping of all tanks or containers. Details of decontamination, exhumation, if necessary, demolition, and cutting & scrapping of all tanks are presented in a section below.
- Removal of Principal Threat/Hazardous Wastes from the Site land based units (i.e., impoundments and landfarm) shall, at a minimum, be based upon visual observations of surface or subsurface staining and physical characteristics of the oily materials (i.e., viscosity, solids content and pumpability) not numerical concentration criteria for purposes of this Interim Measures Removal. Respondents may use as yet unidentified numerical PRGs for confirmatory sampling, once those PRGs are identified by respondents and agreed to by both EPA and Respondents. Removals will be performed on site Principal Threat/Hazardous Wastes in the earthen pit(s) and landfarm to a depth and laterally to where no visible staining is apparent or six inches below the interface between pit/landfarm sludges and underlying soils whichever is less but still at or above the water table. If the water table is encountered above the interface of pit sludges and underlying soils, removal shall occur only to the water table.

Guidelines for final disposition of removed materials are presented below:

- Offsite incineration of pumpable oil mixtures conforming to acceptance criteria of the incineration facility or facilities.
- Stabilization/solidification and offsite RCRA Subtitle D facility disposal of waxes/sludges and oil mixtures not conforming to acceptance criteria of the incineration facility or facilities.
- Stabilization/solidification and temporary onsite consolidation/containment of stabilized/solidified waxes/sludges and oil mixtures not conforming to acceptance criteria of the offsite RCRA Subtitle D facility or facilities. Ultimate disposition of the consolidated material will be determined through a focused feasibility study of appropriate management alternatives.

The Louisiana Risk Evaluation/Corrective Action Program (RECAP). promulgated June 20, 2000 at LAC 33:I.1307, et seq., defines a tiered human health risk-based program for defining cleanup standards for contaminated sites, based on site-specific risk parameters, including current and future use of the site, site geometry, and site geology. The most current version of the Louisiana RECAP program or more stringent risk-based cleanup standards developed under RCRA, including ecological risk based standards, will be considered for any additional work at the site. That additional work may include the development of long-term remedial goals for the site which are protective of human health and the environment, including, but not limited to, the adjacent jurisdictional wetlands and Mermentau River aquifer or other as-yet unidentified ecological receptors.

#### Inventory of Oil Mixture

The site contains approximately one million gallons of a relatively solids-free oil mixture. This oil mixture consists of roughly 48% hydrocarbons, 50% water and 2% solids in a tightly bound and viscous, black oily emulsion. This material is contained in the partially buried barge/tank and other onsite tanks.

The estimated inventory of oil mixture is summarized in Table 1 (attached). The material inventory estimates provided in Table 1 are based on vessel dimension measurements, visual observations, and tank content measurements made by Michael Pisani & Associates, Inc. on May 3, 2001. The total estimated inventory of pumpable oil mixture is approximately 1.16 million gallons (approximately 27,650 barrels) in the six major vessels and 14 compartments of the partially buried barge/tank located at the site.

The waxes and sludges in the earthen pit may not meet the acceptance criteria of the offsite disposal facility (i.e., viscosity and solids content) and are not included in the inventory of pumpable oil mixture described herein. Based on data presented in the facility's RCRA Facility Investigation Work Plan (Woodward-

Clyde Consultants, Inc., October 1996), the estimated inventory of oily sludges in the earthen pit is approximately 1.5 million to 1.7 million gallons.

The volume of oil mixture transported offsite will be measured and recorded by the incineration facility or other facilities accepting the material from SBA. In addition, the transporter hauling the material will measure the size of each truckload transported from the site for billing purposes.

# Removal and Offsite Disposal of Oil Mixture

Pumpable oil mixture will be:

- 1. Heated (if necessary to reduce viscosity);
- 2. Filtered through cartridge filters to remove large solids:
- 3. Loaded into tanker trucks (or onto barges, if feasible) for transport;
- 4. Manifested for transport, measured (by volume); then
- 5. Transported offsite for weighing and thermal destruction.

Rhodia, Inc. (Baton Rouge, Louisiana and Houston, Texas) accepted the oil mixture for conducting a trial burn. Based on the successful trial burn results, Rhodia has commenced incineration of the oil mixture on a full-scale basis. In addition, discussions with Safety-Kleen Corporation (Deer Park, Texas) are also in progress for Safety-Kleen to incinerate the oil mixture as well.

#### **Scrapping Empty Vessels**

As vessels at the Site (including the partially buried barge/tank) are emptied during the execution of these Interim Measures, the empty vessels will be exhumed, if needed, decontaminated, then cut up and sold as scrap metal or sold for reuse. Prior to scrapping or reuse, each empty vessel will be cleaned to remove residual oil and solids. Water and/or steam blowdown that accumulates in the vessel during cleaning will be collected in remaining tankage and managed with other site water, as described in a subsequent section of this SOW.

As the inventory of oily material is reduced, U.S. EPA will be notified of planned empty vessel scrapping activities at least ten working days prior to commencing the work. Decontamination and scrapping procedures will be described in a brief work plan submittal for EPA review and approval.

# Stabilization of Waxes and Sludges

The waxes and sludges are contained in the open, onsite earthen pit. The earthen pit also contains water and may also contain small amounts of relatively solidsfree oil mixture. The water in the earthen pit will be pumped out of the pit and disposed as discussed in the following section regarding water disposal.

Pumpable, relatively solids-free oil mixture from the earthen pit will be pumped to an onsite tank for management with the oil mixture sent offsite for incineration.

The remaining waxes, oily sludges, oily soils and any impacted soils found above the water table, will then be solidified/ stabilized in situ in the earthen pit using fly ash, portland cement and site soils. Optimal dosages and types of stabilization reagent will be determined by bench-scale treatability testing prior to full-scale implementation. The treatability study will include analyses of untreated materials, as well as laboratory analyses of treated materials. Based on the bench-scale treatability testing results, optimal dosages and types of stabilization reagents will be added to the earthen pit, and the material will be mixed in-situ with a dragline or hydraulic excavator. Pending the results of the treatability study, soil may augment the solidification/stabilization process by increasing the solids content of the oily material, reducing the quantity of required binding reagent and improving the effectiveness of the pozzolanic binding reaction.

Soils will be excavated to a depth of approximately 18 inches from the approximately 100-foot by 200-foot former landfarm unit area west of the oil pit. The extent of excavation will be determined in the field by visual observations of soil staining. The landfarm soils will be solidified/stabilized with the contents of the oil pit.

The stabilized material will then be allowed to harden or cure over a period of several weeks. Precipitation or other accumulated water in the pit will be pumped off and managed as described in the Water Management section of this SOW.

After the stabilizing reactions are complete, the stabilized materials will be sampled and profiled for offsite disposal as non-hazardous, industrial solid waste. Upon acceptance by a permitted solid waste disposal facility, the stabilized material will be excavated and transported offsite for final disposal as solid waste or use as landfill cover material at a permitted RCRA Subtitle D landfill facility. For materials accepted by the RCRA Subtitle D facility, a Land Disposal Regulations (LDR) certification that the stabilized/solidified material does not exhibit hazardous waste characteristics will be prepared and signed by SBA's designated representative.

In the unlikely event that no RCRA Subtitle D facility will accept the stabilized/solidified material, appropriate alternative treatment or offsite disposal measures will be evaluated, depending upon the disqualifying characteristic of the material. A work plan for development of a feasibility study for final disposition of consolidated materials will be submitted to U.S. EPA within 45 days after completion of consolidation activities.

Brief work plans describing the treatability testing and waste testing procedures will be prepared and submitted to U.S. EPA for review at least ten working days prior to commencing the work.

# Water Management

Water will be stored in either the partially buried barge or onsite tanks. At the appropriate time and depending upon water volumes and characteristics, the water will either be treated and discharged pursuant to Louisiana Department of Environmental Quality (LDEQ) authorization or transported offsite for treatment and disposal at a permitted commercial facility.

A brief work plan describing water management procedures will be prepared and submitted to U.S. EPA for review at least ten working days prior to commencing the work.

#### **Interim Closure Measures**

The emptied earthen pit will be backfilled using uncontaminated onsite soils. Nutrients (e.g., nitrogen-containing agricultural fertilizers) may also be added prior to backfilling and regrading excavated areas (e.g., the former pits). The nutrients will be entrained into the soil using a bulldozer and/or tractor-pulled disks, which will also aerate and mix the soil prior to compaction and regrading. Details of the backfilling operation and nutrient addition will be produced in a separate workplan for approval by the EPA.

Based on waste profile sampling and analytical results from samples of stabilized and solidified materials, any material not accepted by the offsite disposal facilities will be stabilized/solidified and consolidated onsite. Consolidated materials will be confined to as small an areal footprint as is practicable, depending upon material volume, design of adequate top and side slopes for surface drainage and slope stability, and other pertinent design factors. As a current concept, the material will be consolidated aboveground, compacted and capped with a lowpermeability polymer liner to minimize surface water infiltration for interim staging/storage while decisions for ultimate disposal are made. Excavated areas will be backfilled and compacted. The surfaces of backfilled areas will be graded for proper surface drainage and seeded with native grasses.

A brief work plan describing interim closure measures will be prepared and submitted to U.S. EPA for review at least ten working days prior to commencing the work.

# Site Health and Safety

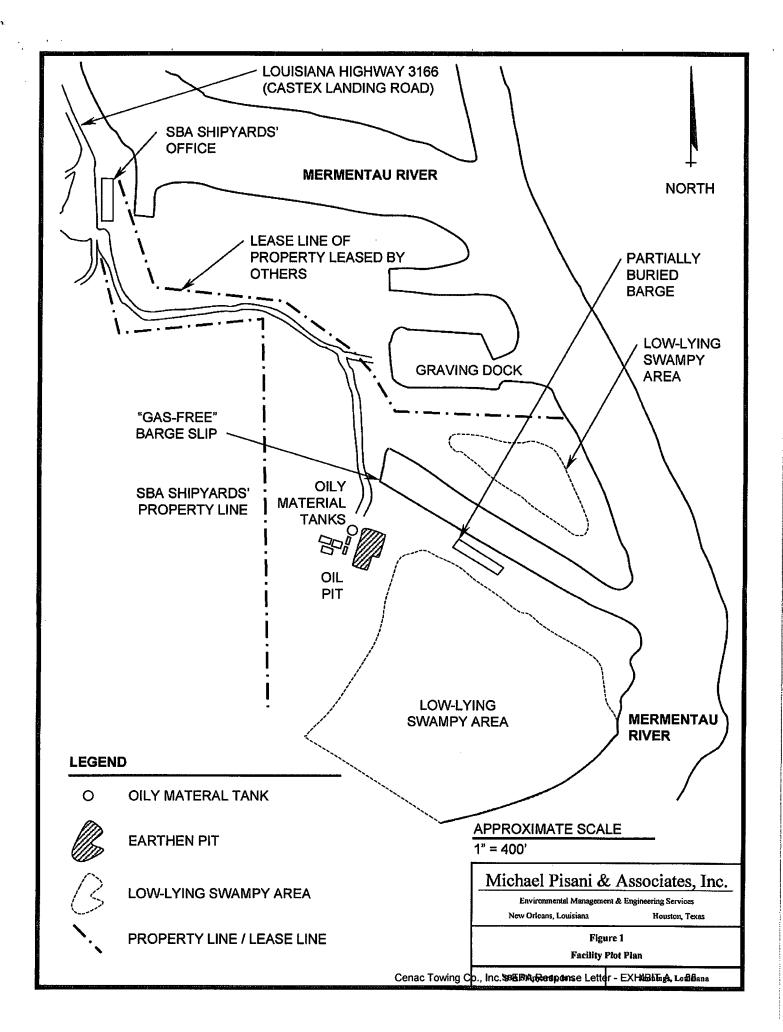
Site activities will be performed in accordance with procedures described in the site-specific health and safety plan developed as Appendix A of Interim Site Stabilization Measures Work Plan (Woodward-Clyde Consultants, Inc., October 1996). During stabilization/solidification activities conducted at the site. fenceline ambient air monitoring of airborne particulates will be performed to monitor potential human health affects to site workers and offsite personnel. Air monitoring limits shall be established protective of off-site personnel. Work modification or stoppage shall be implemented as needed to maintain off-site protectiveness.

# Reporting

As the Interim Measures described herein are implemented, monthly progress reports will be submitted to U.S. EPA, documenting the implementation of the Interim Measures described herein, including the removal and offsite disposal of oil mixture. Each monthly progress report will describe (for the reporting period) activities performed, upcoming planned tasks, problems encountered and measures taken to correct those problems. Air monitoring limits shall be established protective of off-site personnel. Work modification or stoppage shall be implemented as needed to maintain off-site protectiveness.

As described previously herein, brief work plans will be submitted for U.S. EPA review at least ten working days prior to commencement of the following key tasks:

- Scrapping of Empty Vessels
- Stabilization of Waxes and Sludges
- Water Management
- **Interim Closure Measures**
- Area of Contamination Consolidation (if required).



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Table 1 Pumpable Oily Material Inventory May 3, 2001

# SBA Shipyards, Inc. Jennings, Louisiana

	Estimated M	laximum	Observed				
	Capac	ity	Depth of Estimated Material Inventory				
Tank or Impoundment	(galions)	(barrels)	Contents	(gai)	(barrels)	(pounds)	Visual Observations (9)
Selected Tanks							
Tank AT-I	17,042	406	52"	9,814	234	81,898	Horizontal cylindrical tank (mostly water).
Tank AT-2	17,042	406	77"	13,703	326	114,352	Horizontal cylindrical tank (2" sludge layer on botto
Tank WT-1	106,837	2,544	85"	88,561	2,109	739,044	Very thick oil.
Tank WT-2	111,482	2,654	70°	77,553	1,847	647,183	24" sludge layer on bottom.
Tank WT-3	109,159	2,599	93"	93,998	2,238	784,416	36" sludge layer on bottom.
Tank ST-1	_420,000 <sup>(c)</sup>	10,000	9' - 10" <sup>(d)</sup>	99,474	2,368	830,111	38' high vertical cylindrical tank.
Total	781,562	18,609		383,104	9,122	3,197,003	
	galions	barrels		galions	barrels	pounds	
				_		•	
Former Barge (OT-4)							
Bow Rake Tank	26,853	639	_56"	20,862	497	174,093	Very thick oil (2" sludge layer on bottom).
Deck Tank S	Not Measured	Unknown	Empty	Negligible	Negligible	Negligible	Dry, some rust scale.
Deck Tank P	Not Measured	Unknown	6"	Negligible	Negligible	Negligible	Oil, no visible water.
Compartment 1S	75,054	1,787	118"	65,659	1,563	547,924	
Compartment 1P	75,054	1,787	119"	64,874	1,545	541,374	
Compartment 2S	71,808	1,710	78"	58,344	1,389	486,881	
Compartment 2P	71,808	1,710	78"	58,344	1,389	486,881	•
Compartment 35	100,279	2,388	111"	84,325	2,008	703,692	
Compartment 3P	100,279	2,388	111"	84,325	2,008	703,692	
Compartment 4S	100,279	2,388	114"	86,604	2,062	722,710	
Compartment 4P	100,279	2,388	114"	86,604	2,062	722,710	
Compartment 5S Compartment 5P	86,908	2,069	115"	75,689	1,802	631,625	
	86,908	2,069	114"	75,057	1,787	626,351	
Aft Trim Tank	18,388	438	112"	17,447	415	145,595	
Total	913,897	21,759		778,134	18,527	6,493,528	
	gallons	barrels		gallons	barrels	pounds	
Grand Total	1,695,459	40,368		1,161,238	27,649	9,690,531	
	gallons	barrels		gallons	barrels	pounds	

NOTES:

<sup>(</sup>a) Based on bulk density of 8.345 pounds/gallon.(b) MP&A site visit (May 3, 2001).

<sup>(</sup>c) According to Mr. Louis Smaihall, the total volume is 10,000 barrels (420,000 gallons).
(d) Measurement read from permanently installed float gauge on tank.



1001 FANNIN STREET, SUITE 2450 HOUSTON, TEXAS 77002-6707 713-437-1800 FAX 713-437-1810 www.joneswalker.com

> Michael A Chernekoff Direct Dial: 713-437-1827 Direct Fax: 713-437-1927 mchernekoff@joneswalker.com

February 19, 2015

Mark Hayes
Federal On-Scene Coordinator
United States Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: Notice of Federal Interest in a Petroleum Release Incident – SBA Shipyard Inc. release (FPN E15608), 9040 Castex Landing Road, Jennings, Jefferson Davis Parish, Louisiana

Dear Mr. Hayes:

I am in receipt of your Notice of Federal Interest letter dated February 9, 2015 relating to the SBA Shipyard Inc. site in Jennings, LA. Your letter is addressed to my law firm and me personally as a representative of SSIC Remediation, LLC ("SSIC"). Please be advised that SSIC was dissolved as of December 30, 2009. A copy of a Louisiana Secretary of State document confirming that status is attached. Please also note that neither my law firm nor me personally was a member of SSIC. Rather, we served as legal counsel only for SSIC, and we no longer have any relationship with SSIC.

As you may know, SSIC performed a cleanup at the SBA site under the direction of EPA, which EPA deemed successfully completed in or about 2005. The scope of that cleanup is reflected in EPA's files. I believe those records will indicate that neither SSIC nor its members were deemed potentially responsible parties with regard to the barge you have identified in the photograph attached to your letter, or any materials contained therein. That barge appears to be the boiler and work shop utilized by the then site operator during and after the cleanup.

Also, please be advised that EPA sent to me an information request dated December 31, 2014, and, on January 8, 2015, as requested, I forwarded documents to EPA attorney I-Jung Chiang, including emails between myself and EPA attorney Scott McDonald in 2005 and 2006 whereby Mr. McDonald confirmed the that "SSIC member companies will not be called upon or required to make further contributions towards the clean-up."

{HD0662	242.4)								
				J.	ones Wale	CER LLP	<del></del>		
ALAB	AMA	ARIZONA	California	DISTRICT OF COLUMBIA	FLORIDA	GEORGIA	· LOUISIANA : MISSISSIPPI	New York Ohio	TEXAS

Mr. Mark Hayes February 19, 2015 Page 2

Because SSIC was dissolved, and I and my firm are no longer acting as counsel for it, I cannot and do not provide any response on its behalf. If I can be of any other assistance, please advise.

Sincerely,

Attachment

# Jay Dardenne SECRETARY OF STATE



State of Louislana

#### COMMERCIAL DIVISION (225) 925-4704

Fax Numbers (225) 932-5317 (Admin. Services) (225) 932-5314 (Corporations) (225) 922-0452 (UCC)

 Name
 Type
 City
 Status

 SSIC REMEDIATION, L.L.C.
 Limited Liability Company
 NEW ORLEANS
 Inactive

Business;

SSIC REMEDIATION, L.L.C.

Charter Number:

35029923 K

Registration Date:

1/19/2001

State Of Origin: Domicile Address

201 ST, CHARLES AVE.

**50TH FLOOR** 

**NEW ORLEANS, LA 70170** 

**Mailing Address** 

C/O MICHAEL A. CHERNEKOFF 201 ST. CHARLES AVE., 50TH FLOOR NEW ORLEANS, LA 70170

#### Status

Status:

Inactive

**Inactive Reason:** 

**Voluntary Action** 

File Date:

1/19/2001

Last Report Filed:

4/22/2009

Туре:

Limited Liability Company

# Registered Agent(s)

Agent: Address 1: MICHAEL A. CHERNEKOFF 201 ST. CHARLES AVE.

Address 2:

50TH FLOOR

City, State, Zip:

NEW ORLEANS, LA 70170

Appointment Date: 1/19/2001

Officer(s)

Additional Officers: No

Officer: Title: BROOKE EGAN

Address 1:

Manager 1701 E. MARKET ST.

City, State, Zip:

JEFFERSONVILLE, IN 47130

Officer:

BENNY CENAC, JR.

Title:

Manager

Address 1:

141 BAYOU DULARGE ROAD

City, State, Zip:

HOUMA, LA 70361

Officer:

JOHN R. CLARK, III

Title:

Manager

Commercial - Search

Page 2 of 2

Address 1: City, State, Zip: 5454 WISCONSIN AVE. CHEVY CHASE, MD 20815

Amendments on File (3)

Description	Date
Notice of Dissolution	11/17/2009
Liquidators Certificate	11/17/2009
Dissolution	12/30/2009

Print

# Kathryn Richard

From:

Chernekoff, Mike [mchernekoff@joneswalker.com]

Sent:

Thursday, January 08, 2015 10:54 AM

To:

chiang.i-jung@epa.gov

Cc:

Chernekoff, Mike

Subject:

FW: FW: LDEQ AI 1478 ::: EPA Approval for SBA Shipyards IM/RA Completion Report with

Cost Addendum

Follow Up Flag: Flag Status:

Follow up Flagged

# Additional documents

From: Mcdonald.Scott@epamail.epa.gov [mailto:Mcdonald.Scott@epamail.epa.gov]

Sent: Monday, March 13, 2006 6:06 PM

To: Chernekoff, Mike

Cc: Keepper.Gene@epamail.epa.gov

Subject: Re: FW: LDEQ AI 1478 ::: EPA Approval for SBA Shipyards IM/RA Completion Report with Cost Addendum

#### Mike -

Sorry about the delayed response...I don't want to speak for the RCRA Program (Gene)...but yes - my understanding is that Gene's letter does confirm & acknowledge that the Order/Agreement is officially closed. It is also my understanding that SSIC member companies will not be called upon or required to make further contributions towards the clean-up. 1 believe that Gene's letter confirms & acknowledges that SSIC has satisfied the terms of the Order/Agreement. However, there was one company (former member of SSIC - forgot name?) that quit contributing and participating in the clean-up effort after several months. EPA did send that company a formal request to continue contributions towards any future remediation.

The RCRA Program has my file for SBA Shipyards...and all response letters from non-SSIC companies (former customers of SBA) were sent to the RCRA Program. Thus, I do not know where things stand regarding status of participation by non-SSIC companies? Scott

"Chernekoff,

Mike"

<mchernekoff@jon

eswalker.com>

Scott McDonald/R6/USEPA/US@EPA

CC

03/13/2006 02:55

PM

Subject

FW: LDEQ AI 1478 ::: EPA Approval

for SBA Shipyards IM/RA Completion Report with Cost

Addendum

Scott,

See my email below. Would you please confirm my understanding of Gene's letter?

Thanks,

Mike

----Original Message----From: Chernekoff, Mike

Sent: Tuesday, February 28, 2006 10:54 AM

To: 'Keepper.Gene@epamail.epa.gov'; 'Mcdonald.Scott@epamail.epa.gov'

Cc: Chernekoff, Mike

Subject: RE: LDEQ AI 1478 ::: EPA Approval for SBA Shipyards IM/RA

Completion Report with Cost Addendum

Thanks you. This is good news!

I assume this is the formal acknowledgment that the Order/Agreement is official "closed." Please confirm

Also, I would like to talk to you about what else EPA has in mind for the site. For any additional work, I assume that you will be contacting companies other than those SSIC members protected by the Order/Agreement.

Mike

----Original Message----

From: Keepper.Gene@epamail.epa.gov [mailto:Keepper.Gene@epamail.epa.gov]

Sent: Monday, February 27, 2006 1:49 PM

To: Chernekoff, Mike

Cc: Robert Leslie; Keith Horn; Keepper.Gene@epamail.epa.gov;

Belk Ellen@epamail.epa.gov; Mcdonald Scott@epamail.epa.gov; Lourdes

Iturralde

Subject: LDEQ AI 1478 ::: EPA Approval for SBA Shipyards IM/RA

Completion Report with Cost Addendum

## Mike/Rob:

Here is the Completion Report approval letter. Given that this transmission contains a direct facsimilie of the Signed original, I do not intend to follow-on with a hardcopy. I need to complete close-out of the Order and this segment of the SBA remediation will have all paperwork completed before moving on to the next phase. Not the way I'd necessarily planned it, however given the fates changing my planing via my ankle, it'll have to do!

# (See attached file: SBA Comp Rep App.pdf)

Sincerely, Gene Keepper, CHMM, P.G.

RCRA Project Manager (6EN-HX)

TSP Engineering Forum Member 

Gene Keepper, CHMM, P.G. Phone: 214-665-2280 Soil Chemist

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and

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Keepper.Gene@epa.gov

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